

w/o

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

FILED

DATE: May 12, 2009
5:00 O'Clock P. M.
JEANNE HICKS, CLERK
BY: Rachel Roehe
Deputy

DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Rachel Roehe, Deputy Clerk

CASE NO. CR20081339

DATE: May 12, 2009

TITLE:

COUNSEL:

STATE OF ARIZONA
(Plaintiff)

Yavapai County Attorney
Mark Ainley, Deputy County Attorney
Joseph Butner, Deputy County Attorney
(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER
(D-1)

John Sears
107 North Cortez Street, Suite 104
Prescott, AZ 86301

Larry Hammond
Anne Chapman
OSBORN MALEDON, P.A.
2929 North Central Avenue, 21st Floor
Phoenix, AZ 85012
(For Defendant)

HEARING ON:
Scheduling Conference / Pretrial Conference

NATURE OF PROCEEDINGS

COURT REPORTER
Roxanne Tarn

START TIME: 3:30 p.m.

APPEARANCES: Mark Ainley, Deputy County Attorney
Joseph Butner, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant

This is the time set for the Scheduling Conference and Pretrial Conference.

Court and Counsel discuss issues regarding discovery and witness interviews.

The Court designates this case as a complex case.

The deadline for disclosure by the State shall be in 60 days from today's date. The Defense will have an additional 30 days for their discovery obligations under Rule 15. For good cause shown, the Court will allow additional discovery and disclosure to take place.

The deadline for aggravation disclosure is set for the end of June 2009. The deadline for disclosure of mitigation witnesses and experts for penalty hearings under Rule 15.2 is set for the end of December 2009. State's rebuttal deadline is 60 days later, which is the end of February 2010. The Defense disclosure of rebuttal witness deadline is 60 days after that, which is the end of April 2010.

The Court reserves November 17, 18, 19 and 20, 2009, for hearings on motions. The Court also reserves January 12, 13, 15 and 15, 2010, for hearings on motions. The trial will tentatively commence on May 4, 2010, and the Court notes that this is not a firm date. Counsel believe approximately 30 days will be necessary for trial in this matter.

The Court would like the State to reasonably conclude the discovery that it can, subject to the continuing obligation to do additional disclosure, and to produce any disclosure to the extent possible of what the State has in its possession no later than June 22, 2009. The deadline for the Defense disclosure, even if it is duplicated or supplemented later, is set for the end of July 2009.

The Court requests that the parties exchange lists of witnesses as soon as possible and begin conducting witness interviews.

The Court requests that both sides confer and provide the Court with a memorandum addressing how the parties are coming along with interviews and the like. In the beginning of July, the Court would like a realistic appraisal of the trial date, length of trial, identification of the witnesses, dates for interim management conferences, witness interview schedule, any other production for discovery purposes and identification of the anticipated motions to be heard in the November and January timeframes. The Court also requests that the parties confer and provide the Court with information regarding issues relating to experts, any particular special investigative needs, mitigation expert needs, what is being proposed for a settlement conference if any and cutoff for any plea negotiations. The Court requests that this be received by August 21, 2009. The Court requests inclusion of any motion *in limine* issues in that proposed schedule. The Court would tentatively like to hear the more substantive motions in the November time frame and the motions *in limine* in the January time frame. The Court would also like the issue of any jury questionnaire addressed in the proposal.

Pretrial Conference / Status Conference is set for **July 21, 2009, at 9:00 a.m.** in this Division. Counsel shall be prepared to inform the Court regarding the status of witness interviews.

~*~*~*~*~ Recess – 4:49 p.m. ~*~*~*~*~

At 4:50 p.m. Court reconvenes in chambers with the presence of all Counsel. The Defendant's presence is waived.

Defense Counsel addresses the Court regarding media issues and the Defendant's appearance.

The Court states that it will seek additional cooperation to address the issues raised.

END TIME: 5:00 p.m.